

Moultonborough Planning Board
P.O. Box 548
Moultonborough, NH 03254
(603) 476-2347
Minutes

August 12, 2009
Regular Meeting - 7:30 P.M.
Moultonborough Town Offices

Present: Members: Judy Ryerson, Natt King, Eric Taussig, Joanne Coppinger,
Jane Fairchild, Ed Charest (Selectmen's Representative)
Alternates: Peter Jensen, Keith Nelson
Excused: Members: Jim Bakas

Town Planner: Dan Merhalski
Audience: Linda Punturieri, Hollis Austin and Marie Samaha, Con Com.

I. Pledge of Allegiance

Ms. Ryerson appointed Peter Jensen to sit on the board with full voting privileges in place of Jim Bakas. Ms. Ryerson noted that there were no new submissions, no boundary line adjustments and no hearings tonight. The board then continued the Work Session they had begun July 29th. There were several items on that agenda that had been carried forward, noting the board had time to review the draft ordinances presented by the Con Com. The Board was also presented with a packet from Dan Merhalski, which included a work sheet with time frames for completion.

The Board entered into a discussion regarding the preparation of minutes. Questions and comments regarding the minutes noted were that they are too long, not inclusive or too inclusive. The Board agreed they should be shorter, include the names of those who participate and who makes comments. They should briefly describe each of the issue that was taken up, consensus votes, and a full description of all decisions made. There was a discussion regarding if the Board should retain the tapes.

Mrs. Coppinger asked for Mr. Merhalski's opinion on erasing the tapes. Mr. Merhalski stated he had spoken with Town Counsel regarding this. Town Counsel feels retaining the tapes is difficult because if anything goes to trial, and requests are made for transcripts, his office has to transcribe all the tapes relating to the hearing. This is burdensome to the Town financially and time consuming to getting the case to court. All the board needs to do is retain a copy of the approved minutes on file and destroy the tapes. The minutes are the Board's property and it is up to them to decide what format they want them to be in, and whether or not they want to have other records, including the tapes or if they want to change their current procedures. It was the feeling of the majority of the Board to retain the tapes. The Board was in agreement the minutes should be brief, include major items discussed by the board, and any decisions made but still have the tapes to go back to.

It was noted that the Planner is preparing Notice of Decision's which will cover all the bases and that you can identify what was a condition of approval. Things will be better organized and in much better shape. Ms. Ryerson noted this transition will take a little while and the public should be put on notice that they're making a change. The board will look at the minutes as prepared and make any changes as they feel necessary.

Motion: Mr. Taussig moved to retain the tapes indefinitely, seconded by Mrs. Coppinger, Carried – 6 to 1 with Ms. Ryerson opposing.

II. Approval of Minutes

Motion: Ms. Fairchild moved to approve the Planning Board Minutes of July 22, 2009, seconded by Mr. King, Carried unanimously.

Motion: Mr. King moved to approve the Planning Board Work Session Minutes of July 22, 2009, seconded by Mr. Jensen, Carried unanimously.

III. New Submissions

IV. Boundary Line Adjustments

V. Hearings

VI. Informal Discussions

VII. Unfinished Business

The Board continued with the Work Session, with Ms. Ryerson noting Mr. Merhalski's Work Plan of what revisions need to be done and the time frame that it may take.

Prior to reviewing the Work Plan, the board touched on the three draft ordinances that were presented by the Conservation Commission. Marie Samaha was present from the Con Com. They were unable to have a representative from NH DES or LRPC as mentioned at the prior work session. The Board was provided the draft ordinances at the last work session and had the opportunity to review the material for this evenings meeting. Mrs. Coppinger questioned what the overall time frame would be for these three proposals. Mr. Merhalski noted his intention of the Work Plan was in anticipation with working on the three ordinances in addition to other work for Town Meeting 2010.

Ms. Ryerson recapped that at the prior work session the Board's impression was that a couple of the proposals were more complicated than they needed to be and asked for the Board's input regarding the three model ordinances. It was noted these should be briefer and less complex. Mr. Jensen stated he was in favor of making them briefer and easier to understand so long as they didn't compromise the effectiveness of them. Mr. Nelson said the objectives were great, and the comments made by Paul Stinson and Joe Skiffington were very good. Mr. Jensen stated the committees thought process was to start with what the State had recommended. Attached were the recommendations from Mr. Stinson. Most of the committee would be satisfied with the ordinances as they were written.

Mr. Nelson asked what other town had enacted the model ordinances. Mrs. Samaha stated that LRPC had replied that other towns have not enacted the model ordinance. Meredith is looking at it, to be included with their groundwater. Other towns such as Alton, Belmont, Meredith, Northfield, Ossipee and Sandwich have some form of regulation, but that it is included in other sections of their ordinance. Mr. Jensen stated that in his research regarding groundwater protection, he found about fifteen towns in NH that address groundwater protection. Many are in forms that are older than the model ordinances.

Mrs. Coppinger stated that she had reviewed the Stormwater Management model and feels that it is way too complicated. She agreed with the comments of Mr. Stinson and Mr. Skiffington that the 20,000 square foot of disturbed area for residential and 100,000 square foot for commercial is arbitrary. There is already a requirement by the state if you are disturbing 100,000 square feet or more that you must do the calculations for the state. Why would we require it also for our engineer to review? Noting there already is a provision in place for an extensive review by the state. Mrs. Coppinger questioned if a committee should be formed to review the proposals. Mrs. Coppinger noted the way the model ordinance is written, if you have one lot that you are developing and you are going to create 20,000 square feet of lawn, driveway, house and other improvements, less than ½ acre of disturbance, you would need to do all the calculations, which she felt is too much for one residential lot.

Ms. Fairchild questioned if a small group was necessary to go through the model ordinances with a fine tooth comb and come back to the board. Ms. Ryerson noted that would be one way to do it, but

there has been a small group that has been working on this for months. Mr. Merhalski suggested that since the board is trying to have this ready for Town Meeting in 2010, an alternative could be that members email their comments to him directly and he will track the changes for all three of the proposed model ordinances to be presented to the board. It was determined that Mr. Merhalski will work on all three for the Con Com. Board members are to have their comments to him by September 1, so he may incorporate the comments and have them ready for the meeting of September 23, 2009.

The Board next began the review of Mr. Merhalski's Work Plan. Mr. Merhalski noted that there were 18 items on the list and the time frame is to work on the three model ordinances from the Con Com and 3 or 4 other items from the list of 18 for March 2010 Town Meeting. The Board discussed the items on the list and prioritized the items they would like Mr. Merhalski to work on for the upcoming Town Meeting. It was felt that items 1 & 2 were closely related and could be treated as one. The items Mr. Merhalski will work on are numbers 1, 2, 6, 8 & 13 from his Work Plan.

1. Commercial Rezoning of Route 25 to Old Route 109
2. Route 25 – New Setbacks.
6. Access Management Ordinance and Memorandum of Understanding with NHDOT.
8. Removal of Special Exceptions from Zoning Ordinance.
13. Improve Planning Board Communications between the community and other Boards.

Mr. Merhalski questioned the Board's feeling on number 17. As it is now, when applications come in they submit 5 copies of plans, and there are 10 members on the board. He questioned if the board wanted to have individual copies or electronic copies so they wouldn't have to come into town hall to review them? The board preferred electronic if they could get them in pdf. This could be done by amending the application and holding a public hearing.

Ms. Ryerson stated the November hearings fall on Veterans Day and Thanksgiving Eve. It is assumed these meetings would be cancelled. Mr. Merhalski indicated the board must hold one meeting in November to accept any new submissions within 30 days. The board has tentatively set Tuesday, November 10th and Tuesday, November 24th. If there are no new submissions the board may choose to cancel the Tuesday meetings or use them for work sessions or public hearings.

VIII. Other Business/Correspondence

- 1) E-mail and letter dated August 12, 2009, from Cristina Ashjian were noted.
- 2) Zoning Board of Adjustment's Draft Minutes of August 5, 2009 were noted.
- 3) Selectmen's Draft Minutes of July 30 & August 6, 2009 were noted.

IX. Committee Reports

X. Adjournment

Motion: Mr. King made a motion to adjourn at 9:19 PM, seconded by Ms. Fairchild. Carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Land Use Coordinator